

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

TUDOR INSURANCE COMPANY,

Plaintiff,

v.

FIRST ADVANTAGE LITIGATION  
CONSULTING, LLC,

Defendant.

---

FIRST ADVANTAGE LITIGATION  
CONSULTING, LLC,

Counterclaimant and Cross-  
Complainant,

v.

AMERICAN INTERNATIONAL  
SPECIALTY LINES INSURANCE  
COMPANY, FEDERAL INSURANCE  
COMPANY, TUDOR INSURANCE  
COMPANY, and ZURICH AMERICAN  
INSURANCE COMPANY,

Counterclaim Defendants.

---

Civil Action No.: 1:11-cv-03567 (LAK)

Hon. Lewis A. Kaplan, U.S.D.J.

*Civil Action*

*Document Filed Electronically*

---

**COUNTERCLAIM DEFENDANT ZURICH AMERICAN INSURANCE COMPANY'S  
RESPONSE TO DEFENDANT/COUNTERCLAIMANT FIRST ADVANTAGE  
LITIGATION CONSULTING, LLC'S MOTION TO DISMISS, TRANSFER OR STAY**

---

COUGHLIN DUFFY LLP

88 Pine Street, 28th Floor

New York, New York 10005

(212) 483-0105

*Attorneys for Counterclaim Defendant,*

*Zurich American Insurance Company*

Of Counsel:

Kevin T. Coughlin, Esq.

**RESPONSE OF ZURICH AMERICAN INSURANCE COMPANY**

We represent Counterclaim Defendant, Zurich American Insurance Company (“Zurich American”), in the above-referenced matter. We write in reference to the Motion to Dismiss, Transfer or Stay filed by Defendant/Counterclaimant, First Advantage Litigation Consulting, LLC (“First Advantage”), which was filed on July 20, 2011. Zurich American takes no position with respect to the merits of the motion and the requested relief.

Zurich American takes issue, however, with First Advantage’s characterization of Zurich American’s relationship to the State of New York. Zurich American is a New York corporation with a statutory home office located at One Liberty Plaza, 165 Broadway, 32nd Floor, New York, New York. Thus, although Zurich American’s principal place of business is located in Schaumburg, Illinois, its presence in New York should not be understated.

Additionally, Zurich American notes that First Advantage argues in its motion that New Jersey law should apply to the interpretation of the insurance policies issued by Plaintiff/Counterclaim Defendant, Tudor Insurance Company. Zurich American respectfully advises the Court that the issue of which state’s law applies to the interpretation of the Zurich American policies is not currently before the Court, and Zurich American reserves its rights with respect to any choice of law issues regarding the Zurich American policies.

We appreciate Your Honor’s consideration of this submission.

Respectfully submitted,

**COUGHLIN DUFFY LLP**  
*Attorneys for Counterclaim Defendant,*  
*Zurich American Insurance Company*

By: s/Kevin T. Coughlin  
KEVIN T. COUGHLIN

Dated: August 5, 2011